

restricted if no generic claim is finally held to be allowable. The Office Action indicates that Claim 27 is considered to be generic.

## II. Response to Requirement for Election of Species.

### A. Traversal of Requirement for Election of Species.

The Applicants hereby respectfully traverse the requirement for the election of species.

The Applicants should not be so severely limited in the prosecution of their application that they are required to elect among "species" that comprise the embodiments shown in each of the drawing figures.

The election of species is governed by 37 C.F.R. Section 1.141 (a). Section 1.141 (a) of Title 37 of the Code of Federal Regulations provides:

(a) Two or more independent and distinct inventions may not be claimed in one national application, except more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims of a national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (Section 1.75) or otherwise include all the limitations of the generic claim. (Emphasis added).

Applying the test set out in the regulations, if the Applicants elect a "species" that is covered by an independent claim (such as Claim 27, for instance), the Applicants should be permitted to prosecute all of the claims that are dependent from that claim. The Applicant believes that Claims 1, 15, 16, 17, 31, and 33 are also generic to several of the "species" identified in the Office Action. Claim 1, for instance, has claims that are dependent therefrom that are directed to a number of the species identified in the Office Action.

Further, the Applicant has only presented twenty seven claims. This is a reasonable number of claims. The requirement for the election of species, as presently imposed will be unduly burdensome on the Applicants and the Examiner. The extent of this burden will be apparent within a short period of time when consideration is given to what must be done with the non-elected claims. Considering several of the different embodiments of the claimed

invention together will conserve time and eliminate the need for filing divisional applications directed to the non-elected claims and the subsequent examination of the same.

**B. Election Notwithstanding Traversal.**

For the purpose of complying with 35 U.S.C. Section 121, however, and without admitting that the requirement for the election of species is proper, the Applicants elect to prosecute the claims identified as belonging to the species of Figures 1 and 2.

The claims, which are readable on the species elected above, include, but are not limited to Claims 1-4, 9, 10, 13-16, and 27-34. In addition, the Applicants submit that they have traversed the requirement for election of species, and they should also be permitted to prosecute Claims 17-26 since they are dependent from Claim 1, and, therefore, meet the test set out in the regulations.

Respectfully submitted,

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